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SEP 26 2005

In re Application of :
Restivo, et al. :
Filed: February 25, 2004 : ON PETITION
Application No. 10/785,023 :
Atty. Dkt. No.: C2DIV001.14 :

OFFICE OF PETITIONS

This decision is in response to the "PETITION TO ASSIGN FILING DATE" filed September 8, 2005 in response to the Notice of Incomplete Nonprovisional Application (Notice) mailed July 8, 2005.

The application was filed February 25, 2004. The Notice indicated that the application had not been accorded a filing date because the application appeared to have been submitted without drawings as prescribed by 35 USC 113.

In response, petitioners argue that the application as deposited included one drawing sheet. Petitioners have included as proof of mailing and proof of receipt of the specification a return postcard date stamped by the Office on February 25, 2004.

The original drawing sheet submitted with the application papers has not been located. However, in view of the evidence presented, the petition to accord the application a filing date of February 25, 2004 is GRANTED.

Since the original drawing sheet cannot be located in the Office, a copy submitted herewith will be used for examination purposes.

No petition fee is due in connection with this matter. Petitioners may request a refund of the previously submitted \$400.00 petition fee by writing to the Finance Office, Refund Section. A copy of this decision should accompany any request for refund.

This application will be returned to the Office of Initial Patent Examination for further processing with a filing date of February 25, 2004 with one drawing sheet as part of the record.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions